

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Winchell Larmont Alston

Docket No. 5:10-CR-43-2H

Petition for Action on Supervised Release

COMES NOW Jessica A. Brocz, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Winchell Larmont Alston, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. 846, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on November 10, 2010, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. Winchell Larmont Alston was released from custody on December 5, 2017, at which time the term of supervised release commenced.

On August 20, 2018, a Violation Report was submitted advising the court of the defendant's August 10, 2018, citations for Resisting Public Officer (18CR444), No Operators License, and Failure to Reduce Speed (18CR428) in Nash County, North Carolina. The court allowed the defendant to remain under supervision, and this violation was addressed as a component of his mental health treatment program.

On November 28, 2018, a Violation Report was submitted advising the court that the defendant committed the offense of DWI-Alcohol and/or Drugs (18CR52699) on November 20, 2018, in Rocky Mount, North Carolina. The defendant was found guilty in Edgecombe District Court, and a Petition for Action was submitted on December 5, 2018, requiring him to complete 20 hours of community service.

On November 5, 2020, a Violation Report was submitted advising the court that the defendant was charged with Driving While License Revoked (20CR703742) in Edgecombe County, North Carolina. Alston admitted guilt, and he was instructed not to drive until properly licensed and to resolve this pending charge. The court agreed to continue supervision.

On January 28, 2021, a Violation Report was submitted after the defendant tested positive for marijuana use on January 22, 2021. Alston was instructed to continue his participation in biweekly outpatient substance abuse treatment.

On February 9, 2021, a Petition for Action was submitted stating that on January 30, 2021, the defendant was charged in Edgecombe County, North Carolina, with Driving While Impaired and Driving While License Revoked (20CR50156). Additionally, he admitted he had been driving on October 31, 2020, which was currently pending, and the court was notified November 5, 2020. As a sanction for the aforementioned criminal conduct, the defendant was placed on home detention with location monitoring for a period of 60 days.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

During a home visit on March 17, 2021, the defendant tested positive for marijuana and cocaine via instant urine screen. After the lab confirmed both substances on March 26, 2021, Alston admitted to using the illegal substances, and he signed an admission of drug use form. The defendant is currently on home detention with electronic location monitoring. As a sanction for this violation, the probation office is recommending that he adhere to another 30 days home detention with electronic monitoring. Additionally,

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his outpatient substance abuse treatment will be increased to require weekly participation. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dewayne L. Smith
Dewayne L. Smith
Supervising U.S. Probation Officer

/s/ Jessica A. Brocz
Jessica A. Brocz
U.S. Probation Officer
150 Reade Circle
Greenville, NC 27858-1137
Phone: 252-830-2350
Executed On: April 1, 2021

ORDER OF THE COURT

Considered and ordered this 6th day of April, 2021, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge